

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>JAMES HOWE and MATTHEW HOWE,</b>	)	
<b>individuals,</b>	)	
	)	
<b>PLAINTIFFS,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE No. 07-CV-355-TCK-FHM</b>
	)	
<b>GENE CARTER, an individual; and</b>	)	
<b>NATIONWIDE MUTUAL INSURANCE</b>	)	
<b>COMPANY, a foreign corporation,</b>	)	
	)	
<b>DEFENDANTS.</b>	)	

**ORDER**

Plaintiffs' Motion to Compel Production of Documents [Dkt. 32] is before the undersigned for decision. Defendant Carter has filed a response to the motion [Dkt. 33]. No reply has been filed.

By their motion, Plaintiffs seek an order compelling Defendant Carter to comply with a subpoena duces tecum served upon him which required Defendant Carter to execute and produce a medical authorization to Plaintiffs. Plaintiffs' motion does not allege why they should be entitled to such an executed medical authorization nor how the records of Dr. James Anthamatten are relevant to this litigation.

Defendant Carter responds that Plaintiffs' motion does not comply with LCvR 37.1, which requires a certification that counsel conferred in good faith in an attempt to resolve the discovery dispute before bringing the matter before the Court. Additionally, Defendant Carter contends that his medical records are not in any way relevant to this litigation.

Based upon Plaintiffs' failure to comply with LCvR 37.1 and Plaintiffs' failure to establish that the medical records are in any way relevant to this litigation, Plaintiffs' Motion to Compel [Dkt. 32] is DENIED.

SO ORDERED this 28th day of May, 2008.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE